



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,760	02/25/2004	Daryl B. Olander	ORACL-01405US1	2870
23910	7590	01/12/2009		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER CHONG CRUZ, NADJA N	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 01/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/786,760	Applicant(s) OLANDER ET AL.	
	Examiner NADJA CHONG CRUZ	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This is a Final office action in reply to the response filed on 29 October 2008.
2. Claims 1-9, 17 and 25-31 have been amended.
3. Claims 1-31 are currently pending and have been examined.
4. The rejections of claims 1-31 have been updated to reflect the amendments.

Response to Amendment

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.
6. Applicant's amendment to claims 1-8 and 25-31 are not sufficient to overcome the 35 USC § 101 rejections set forth in the previous action. Therefore, the rejection stands
7. Applicant's amendment to claims 9-16 are not sufficient to overcome the 35 USC § 101 rejections set forth in the previous action. Therefore, the rejection stands.

Claim Objections

8. Claims 1, 17 and 25 are objected to because of the following informalities: It appears to be an additional period ("..") at the end. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
10. Claims 1, 17 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: graphical representation, a graphical canvas, Examiner is not clear how the graphical canvas is related with the other elements in the claims.
11. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Art Unit: 3623

The omitted steps are: between "a page group..." and "wherein a graphical representation of the control...". The steps have no sequence or continuity between them. It is unclear how the steps are related with each other.

12. Claims 1-8 and 25-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
13. As per claims 1 and 25, Examiner is not clear if the limitations are for a system or for a software framework (e.g., "... in a web application, comprising:") and how the software network is related with the other limitations?

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 1-8 and 25-31 are rejected under 35 U.S.C. 101 because the claimed invention lacks tangible result. The preamble of the claim states *a software framework for implementing business processes in a web application*; however the limitations of the claims does not recite elements that would constitute a physical transformation or indicate a useful, concrete and tangible result. Rather the claims merely describe a software framework for implementing business process in a portal without tangible result (e.g., a concrete solution). Claims 2-8 inherit the same deficiencies as claim 1 and are therefore rejected for the same reasons as claim 1 and claims 26-31 inherit the same deficiencies as claim 25 and are therefore rejected for the same reasons as claim 25.

Art Unit: 3623

16. Claims 9-16 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).
17. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.
18. Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be performed without the use of a particular apparatus. Thus, claims 9-16 are non-statutory since they may be performed within the human mind.
19. Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See *Benson*, 409 U.S. at 71-72. As *Comiskey* recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." *Comiskey*, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir. 1989)). Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one. Claims 10-16 inherit the same deficiencies as claim 1 and are therefore rejected for the same reasons as claim 9.

Art Unit: 3623

20. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 9 is directed to an abstract idea with no useful, concrete and tangible result. An abstract idea is statutory under 35 U.S.C. 101 when there is a practical application of the judicial exception indicated by the claims such as a physical transformation or a useful, concrete and tangible result. Here the remaining limitations of the claim do not recite elements that would constitute a physical transformation or indicate a useful, concrete and tangible result. Rather the claims merely describe a method for implementing business process in a portal without tangible result (e.g., a concrete solution). Because there is no practical application of the judicial exception, the claim does not meet the statutory requirements of 35 U.S.C. 101. Claims 10-16 inherit the same deficiencies as claim 9 and are therefore rejected for the same reasons as claim 9.

Response to Arguments

21. Applicant's arguments received on 29 October 2008 have been fully considered but are not persuasive.
22. In particular Applicant argues that the prior art of record, specifically that the new added *feature is not shown or made obvious by any of the cited prior art* (page 8, last paragraph). Examiner respectfully disagrees. Please see the updated rejection below as necessitated by the amendments.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
24. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al, **Agent-based workflow management in collaborative product development on the Internet**,

Computer-Aided Design, 32, 2000 pages 133-144 in view of Tolksdorf, **Workspaces: A Web-Based Workflow Management System**, *IEEE Internet Computing*; 2002.

Claims 1 and 17:

Huang as shown discloses a software framework and method implementing business processes in a web application, the software framework and method comprising:

- *a workflow* (page 135, 1st column, Workflow: which teaches that “a workflow describes a product development project in a network model”);
- *a control operable to invoke the workflow* (page, 135, Agents and pages 142-143, 1st column, 1st ¶ where Figure 4 illustrates control operable: input and output properties which “[s]uch flows of control between agents are used to trigger the messages defined as flows of data between agents. It is through these messages that agents share their properties to collaborate.” In addition, “agents are client-side components of Web applications” and “[a]gents form basic constructs of project workflow models.”);
- *and a page group operable to invoke the control* (Figures 3-4, Figure 3 illustrates an agent-based workflow management model, which includes Web servers for agentManager and wfManager which page group (e.g., portal web pages) operable to invoke the control (e.g., Figure 4: Agents 1, 2 and 3);
- *and wherein the system includes at least one processor that executes the software framework* (Figure 3, which it illustrates servers which by definition contains processor that executes the software framework);

Huang teaches a graphical representation in Figure 4. Huang does not specifically teach the following limitation. However, Tolksdorf in an analogous art of web-based workflow management system for the purpose of a graphical representation of the control (Figure 3) as shown does:

- *wherein a graphical representation of the control can be put in a graphical canvas to be connected to other controls in a flow of control, the control exposes one or*

more interfaces to allow access to functionality within the control (Figure 3 illustrates a graphical representation and page 20, Stepping through the Workflow, which teaches that “[a] workflow description in Workspaces is a graph whose nodes are steps. Each step transforms one or more documents into several other documents” (e.g., *to be connected to other controls in a flow of control*). “The availability of these result documents can, in turn, launch further activities (e.g., *the control exposes one or more interfaces to allow access to functionality within the control*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use graphical representation of the control as taught by Tolksdorf, to improve Huang, thereby giving the predictable result of enabling a user through a graphical user interface to invoke external applications letting a user to complete an activity (Tolksdorf, Figure 3).

Claims 2, 10 and 18:

Huang teaches the following limitation:

- *a message broker operable to enable communication between the control and the workflow* (Figure 3, which it illustrates the communication between the agents and the servers and page 135, 2.1 TeleDSS, 3rd ¶: which teaches that TeleDSS can be made accessible within Web browsers when they are developed” where “[i]n many occasions, wrappers, often called agents, also provide facilities to enable resulting systems to communicate with other applications, sending and receiving messages, files, etc.”. In order to communicate via sending and receiving messages it is taught that a message broker operates to enable communication);

Claims 3, 11, 19 and 26:

Huang does not teach the following limitation. However, Tolksdorf in an analogous art of web-based workflow management system for the purpose of a workflow to invoke another workflow (e.g., sub-workflow) (Figure 1) as shown does:

- *the workflow can invoke another workflow* (page 19, Coordination, which teaches that “[t]he Workspaces engine, which features a simple GUI through which users select their next steps, interfaces with external applications and retrieves subworkflows” (e.g., invoke another workflow) “or *workflow graphs* transmitted through the network by external providers”);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to invoke another workflow as taught by Tolksdorf, to improve Huang, thereby giving the predictable result of enabling a user through a graphical user interface to retrieve subworkflows or workflows graphs” (Tolksdorf, page 19 and Figure 1).

Claims 4, 12, 20 and 27:

Huang teaches the following limitation:

- *the page group includes control logic for a graphical user interface* (Figure 4, which it illustrates graphical user interfaces with input and output properties which includes control logic);

Claims 5, 13, 21 and 28:

Huang does not teach the following limitation. However, Tolksdorf in an analogous art of web-based workflow management system for the purpose of a programmatic interface (Figure 8) as shown does:

- *the control exposes functionality through a programmatic interface* (Figure 8, which it illustrates a Workspaces engine user interface where through this interface, the engine presents the user with a selectable list of steps and page 21, Workflow Graphs, which teaches that “[w]orkspaces also provides a tool called Floweditor, which includes a graphical interface that can model such workflows and automatically generate the corresponding WSCL representation”);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a programmatic interface as taught by Tolksdorf, to improve Huang, thereby

giving the predictable result of enabling a user to “model such workflows” and to “automatically generate the corresponding WSCL representation” (Tolksdorf, page 21).

Claims 6, 14, 22 and 29:

Huang teaches the following limitation:

- *the control can communicate with another control* (Figure 3, which it illustrates that agents contains controls can communicate with another agents and page 135 and 143, which teaches that “[s]uch flows of control between agents are used to trigger the messages defined as flows of data between agents. It is through these messages that agents share their properties to collaborate.” In addition, “agents are client-side components of Web applications” and “[a]gents form basic constructs of project workflow models.”)

Claims 7, 15, 23 and 30:

Huang teaches the following limitation:

- *a web browser; and wherein the web browser is operable to send a request to the page group* (page 138, 3.3 Agent definition, which teaches that “[t]he user uses the Web browser to connect to the Web server where agentNavigator is deployed. Upon connection, agentNavigator is downloaded to and executed” (e.g., a request to the page group is sent) “at the client machine.”);

Claims 8, 16, 24 and 31:

Huang teaches the following limitation:

- *the control is transactional* (page 141, 2nd column, which teaches that “[f]lows of data, or message passing, are triggered by the flow of control. For example, if Agent 1 has not finished with its work, flows of data associated with Agents 2 and 3 will not be processed” which depends on the business process);

Art Unit: 3623

Claim 9:

Huang as shown discloses a method implementing business processes in a web application, the method comprising:

- *a workflow* (page 135, 1st column, Workflow: which teaches that “a workflow describes a product development project in a network model”);
- *a control operable to invoke the workflow* (page, 135, Agents and pages 142-143, 1st column, 1st ¶ where Figure 4 illustrates control operable: input and output properties which “[s]uch flows of control between agents are used to trigger the messages defined as flows of data between agents. It is through these messages that agents share their properties to collaborate.” In addition, “agents are client-side components of Web applications” and “[a]gents form basic constructs of project workflow models.”);
- *and a page group operable to invoke the control* (Figures 3-4, Figure 3 illustrates an agent-based workflow management model, which includes Web servers for agentManager and wfManager which page group (e.g., portal web pages) operable to invoke the control (e.g., Figure 4: Agents 1, 2 and 3);

Huang teaches a graphical representation in Figure 4. Huang does not specifically teach the following limitation. However, Tolsdorf in an analogous art of web-based workflow management system for the purpose of a graphical representation of the control (Figure 3) as shown does:

- *wherein a graphical representation of the control can be put in a graphical canvas to be connected to other controls in a flow of control, the control exposes one or more interfaces to allow access to functionality within the control* (Figure 3 illustrates a graphical representation and page 20, Stepping through the Workflow, which teaches that “[a] workflow description in Workspaces is a graph whose nodes are steps. Each step transforms one or more documents into several other documents” (e.g., *to be connected to other controls in a flow of control*). “The

Art Unit: 3623

availability of these result documents can, in turn, launch further activities (e.g., *the control exposes one or more interfaces to allow access to functionality within the control*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use graphical representation of the control as taught by Tolksdorf, to improve Huang, thereby giving the predictable result of enabling a user through a graphical user interface to invoke external applications letting a user to complete an activity (Tolksdorf, Figure 3).

Claim 25

As per **claim 25**, this claim encompasses substantially the same scope as claims 1 and 2. Accordingly, claim 25 is rejected in substantially the same manner as claims 1 and 2, as described above.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **570.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH BOSWEL** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Art Unit: 3623

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/Nadja Chong/

Examiner, Art Unit 3623

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623